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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,331	12/05/2001	Michael F. Angelo	1662-50100 JMH (P00-2473)	5148
23505	7590	05/17/2005	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			UNGAR, DANIEL M	
			ART UNIT	PAPER NUMBER

2132

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,331

Applicant(s)

ANGELO ET AL.

Examiner

Daniel M. Ungar

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/25/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

1. Claims 1-24 have been examined.

CLAIM REJECTIONS - 35 U.S.C. 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 5-14, 17-23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimada, U.S. Patent Number 5,922,073.

4. Regarding claims 1 and 13, Shimada discloses a computer system comprising a processor, a communications port, an input device, and a location module (see figures 4 and 5), wherein the processor receives a signal from the location module to determine the location of the computer relative to a plurality of pre-programmed location areas and invokes an operating mode based on the location (see column 3, line 56 – column 4, line 4; column 6, lines 12-47).

5. Regarding claims 2 and 14, Shimada discloses using GPS (see column 3, lines 56-64).

6. Regarding claim 5 and 17, Shimada discloses operating mode includes precluding access to the remote network (see column 4, line 61 – column 5, line 10).

7. Regarding claims 6- 8, 12, 18-20, and 24, Shimada discloses an operating mode permitting some access and limiting access privileges, including access to at least one application and data set on the remote network (see column 4, line 45 – column 5, line 10; column 6, lines 1-47).

8. Regarding claims 9, 10, 11, 21, 22, and 23, Shimada discloses each of the plurality of location areas having an associated operating mode where at least two operating modes differ

(see column 4, lines 45-60; column 6, lines 1-47). Namely, within each location, there is a differing operating mode depending whether the password is correct or not. One permits full access and one limited access (see column 4, lines 45-60). Specifically regarding claims 11 and 23, Shimada discloses as many multiple location areas and associated operating modes as is needed, which would include six.

CLAIM REJECTIONS - 35 U.S.C. 103(a)

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada, as established above, in view of Enge et al., U.S. Patent Number 5,812,961. Shimada fails to specify using a LEO satellite receiver as a location module. Nevertheless, Enge et al. disclose using GPS and LEO as a means for obtaining a location. (see abstract; figure 2a, item 44). It would have been an obvious modification to one of ordinary skill in the art at the time of the invention to have included using a LEO satellite receiver in a location module because it makes the positioning system more precise, as disclosed by Enge et al.

11. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada, as established above, in view of Cannon et al., U.S. Patent Application Publication Number US2002/0094777 A1. Shimada does not disclose obtaining the location using a cellular telephone transceiver. However, Cannon et al. in a similar field of endeavor, disclose using either GPS or a cellular telephone receiver to obtain a location for use in network security (see paragraph 0065). In light of the teachings of Cannon et al. it would have been an obvious modification to the system of Shimada to obtain the location using cellular telephone, an equivalent location module to GPS.

CONCLUSION

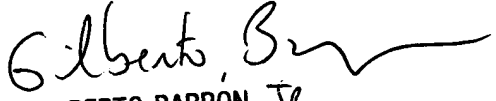
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Ungar whose telephone number is 571.272.7960. The examiner can normally be reached on 8:30 - 6:00 Monday - Thursday, Alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571.272.3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2132

Daniel M. Ungar


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100